

## CITY OF YORK COUNCIL

Resolutions and proceedings of the Meeting of the City of York Council held in Guildhall, York on Thursday, 12th April, 2007, starting at 6.30 pm

**Present:** The Lord Mayor (Councillor Janet Hopton) in the Chair, and the following Councillors:

### ACOMB WARD

Horton  
Simpson-Laing

### BISHOPTHORPE WARD

Livesley

### CLIFTON WARD

King  
Scott

### DERWENT WARD

Greenwood

### DRINGHOUSES & WOODTHORPE WARD

Reid  
Sunderland

### FISHERGATE WARD

D'Agorne  
Hill

### FULFORD WARD

Aspden

### GUILDHALL WARD

Looker  
B Watson

### HAXBY & WIGGINTON WARD

Hall  
Hogg  
R Watson

### HESLINGTON WARD

Jamieson-Ball

### HEWORTH WARD

Blanchard  
Kind  
Potter

### HEWORTH WITHOUT WARD

Lancelott

### HOLGATE WARD

Bartlett  
Fairclough  
Nimmo

### HULL ROAD WARD

Smallwood  
Wilde

### HUNTINGTON & NEW EARSWICK WARD

### MICKLEGATE WARD

Hyman  
Orrell  
Runciman

Evans  
Fraser  
Merrett

OSBALDWICK WARD

RURAL WEST YORK WARD

Morley

Bradley  
Macdonald

SKELTON, RAWCLIFFE & CLIFTON  
WITHOUT WARD

STRENSALL WARD

Moore  
I Waudby

Cuthbertson  
Kirk

WESTFIELD WARD

WHELDRAKE WARD

Steve Galloway  
Sue Galloway  
Waller

Vassie

Apologies for absence were received from Councillors Holvey, Jones and M Waudby

## **FORMER COUNCILLOR DAVID HENDERSON**

63. Members observed a minute's silence for former Councillor David Henderson, Member for Huntington and New Earswick from 1999 to 2003, who had recently died.

## **DECLARATIONS OF INTEREST**

64. The Chair invited Members to declare any personal or prejudicial interests they might have in the business on the agenda. The following interests were declared:
- Councillor Fraser – a personal non-prejudicial interest in agenda item 7(i) (Notices of Motion – North Yorkshire and York Primary Care Trust), as a retired member of Unison;
  - Councillor Moore – a personal prejudicial interest in agenda item 7(i) (Notices of Motion – North Yorkshire and York Primary Care Trust), as his wife was employed by a general practice. He withdrew from the Chamber and took no part in the discussion or decision on this motion.

## **MINUTES**

65. The minutes of the ordinary Council meeting held on 25 January 2007 and Budget Council meeting held on 21 February 2007 were agreed as a correct record and signed by the Lord Mayor, with an amendment to the former to indicate that Cllr Aspden was present.

## **CIVIC ANNOUNCEMENTS**

66. The Lord Mayor announced the receipt of the following gifts:
- A pewter tray from representatives of Munster, who had visited recently;
  - Plaques from a Bulgarian visitor, the Mayor of Bundaberg, Australia, and the Mayor of Blackpool;
  - Artefacts relating to former Lord Mayor Agar.
- She also reported that she had recently visited Dijon.

## **NOMINATION OF SHERIFF**

67. The Lord Mayor Elect nominated Councillor Keith Hyman as her Sheriff for the 2007/2008 Municipal Year.

## **PUBLIC PARTICIPATION**

68. The Lord Mayor reported that there had been five registrations to speak at the meeting under the Council's Public Participation

Scheme.

Sally Arnup spoke on behalf of the Save Yearsley Bridge Group, regarding the threat of closure to Yearsley Bridge Day Centre.

Daphne Taylor spoke on behalf of residents of St Peter's Grove, to call for the York stone paving to be saved.

Alan Carbert spoke on behalf of Askham Bryan Parish Council, to call for the reinstatement of the weight limit restriction through the village and for restricted access signs to be placed at all entrances to the village.

Grace Fletcher-Hall spoke on behalf of University students, regarding recycling facilities, and on behalf of residents of Heslington village, regarding bus fares.

Shay Patterson spoke on behalf of residents of Horner Street, Wilberforce Avenue and Cromer Street, regarding traffic problems in these streets.

## PETITIONS

69. The following petitions were presented by Members under Standing Order 7:
- i) A petition presented by Cllr Scott, on behalf of the residents of Horner Street, Wilberforce Avenue and Cromer Street, regarding traffic problems in these streets.
  - ii) A petition presented by Cllr Vassie, on behalf of residents of Elvington village, calling for a bus service between Elvington and Monks Cross.
  - iii) A petition presented by Cllr Bartlett, on behalf of local residents and parents of pupils at St Paul's Primary School, seeking traffic safety measures near the school.
  - iv) A petition presented by Cllr Moore, on behalf of Clifton Moor Residents' Association, calling on the Council to investigate and address speeding on two roads near the local primary school.
  - v) A petition presented by Cllr Reid, on behalf of residents asking for the snicket between Chantry Close and Carrfield to be closed at night.
  - vi) A petition presented by Cllr Jamieson-Ball, on behalf of some residents of Main Street, Heslington, calling for the introduction of a Respark scheme.

- vii) A petition presented by Cllr King, on behalf of residents of St Peter's Grove, calling for the York stone paving to be saved.
- viii) Petitions presented by Cllr Potter, on behalf of University students, regarding recycling facilities, and on behalf of residents of Heslington village, regarding bus fares;
- ix) A petition presented by Cllr Potter, on behalf of residents of Heworth, regarding maintenance of grass verges;
- x) A petition presented by Cllr Brian Watson, on behalf of the Save Yearsley Bridge Group, regarding the threat of closure to Yearsley Bridge Day Centre;
- xi) A petition presented by the Lord Mayor (Cllr Hopton), on behalf of Askham Bryan Parish Council, calling for the reinstatement of the weight limit restriction through the village and for restricted access signs to be placed at all entrances to the village.

RESOLVED: That the above petitions be referred to the Executive or appropriate committee.

## NOTICES OF MOTION

70. In accordance with Standing Order 11, five notices of motion had been received:

(i) **North Yorkshire and York Primary Care Trust**

This motion had been referred from the Executive in accordance with Standing Order 11(a)(i).

It was moved by Cllr Bartlett and seconded by Cllr Livesley that:

"This Council:

- Supports the Press campaign to 'Let your Doctor decide' which calls on North Yorkshire and York Primary Care Trust (NYYPCT) to scrap the Prior Approval Panel;
- Records its thanks to those MPs and North Yorkshire Councils who have recorded their support for the 'ditch the debt' motion passed by the York Council at its meeting on 25<sup>th</sup> January;
- Remains concerned that reductions, restrictions and delays in NHS treatment in York could have a negative impact upon Council services and budgets."

Cllr Fraser then moved, and Cllr Looker seconded, an amendment to the above motion, as follows:

*"At line 1: After 'Council' insert ' acknowledges public concerns*

*regarding the financial position of the North Yorkshire and York Primary Care Trust (NYYPCT). Further, Council:*

*In first bullet point delete 'supports' and insert 'notes' and also delete 'Prior Approvals panel' and insert ' Exceptions Panel for Prior Approvals'.*

*Insert a new second bullet point*

*'Notes the announcement by the Government of almost £100 million in additional funding in 2007/08 and a further additional £32 million for 2008/09 for the York and North Yorkshire PCT and the intention in the PCT's Recovery Plan, agreed at their Board meeting on 5<sup>th</sup> April, to repay the debt in 2007/08.'*

On being put to the vote, the amendment was declared LOST.

The original motion was put to the vote and declared CARRIED and it was

RESOLVED: That the above notice of motion be approved.

**(ii) The Record of the Current Administration**

It was moved by Cllr Merrett and seconded by Cllr Horton that:

"This City of York Council places on record its belief that the ruling Liberal Democrat Executive has failed miserably to honour many of its 2003 Election pledges to the residents of York. In particular, the ruling Group has been guilty of:

- Failure to honour their pledge of £100 cashback off Council Tax
- Failure to extend full recycling to all properties, particularly terraced streets and flatted dwellings
- Failure to properly consult residents over the introduction of fortnightly alternate bin collections
- Failure to secure a larger supply of affordable housing for use by York's residents
- Failure to provide proper and effective management – losing millions on the Barbican fiasco
- Failure to expand sufficiently Park and Ride schemes.

In addition to these failures, Council is also mindful of the self-inflicted catastrophes which have befallen this ill-directed administration, recalling in particular:

- The introduction of evening car parking charges, which had a detrimental effect on many areas of York's night time economy
- The flawed consultation process associated with the relocation of a new swimming pool
- On-street car parking charges
- The fireworks day fiasco
- Cllr Reid's 'Green Wave'
- Misleading statements on the re-provision of a Barbican pool
- Several wasted years sorting out street cleaning in terraced

areas.

Council awaits with interest the outcome of York residents' opinions following the elections on 3<sup>rd</sup> May."

The motion was put to the vote and declared LOST and it was

RESOLVED: That the above notice of motion not be approved.

(iii) **Tackling Community Safety Issues in the City**

It was moved by Cllr Potter and seconded by Cllr Brian Watson that:

"This Council regrets the lack of commitment from the Liberal Democrat administration to tackling community safety issues in the City. This is evidenced by:

- Cutbacks to the Safer York Partnership budget
- Long term delays in resolving the issues over the future Chair of the SYP Board management of the senior staff, and effective integration of the Drugs Advisory Team
- Repeatedly rejecting the advice of the Chief Executive to fund a Safe City Co-ordinator within the Council
- Failure of the CYC chaired Anti-Social Behaviour task group to function properly for nearly two years
- CYC Neighbourhood Pride Unit not supporting facilitation of the roll out of the joint Ward working with the police after the initial support of the pilots
- The long delays in first repairing and then modernizing the City Centre CCTV system, and consistent voting against extra CCTV in the City Centre to cover the violence and disorder hotspots, and for extra staff to provide adequate weekend night time monitoring and resilience
- Inadequate funding of the Youth Offending Team and lack of focus on reparational and restorative justice
- Inadequate funding arrangements for the Alleygating initiative, so that very few gates have been installed over the last four years.

This Council asks for urgent action to ensure that all departments of the Council are focused on their contribution to increasing community safety and reducing the fear of crime."

Cllr Steve Galloway then moved, and Cllr Waller seconded, an amendment to the above motion, as follows:

*"Delete from "regrets" to "action to ensure" and replace with:*

*"notes that February 2007 had the lowest ever recorded level of crime and welcomes the news that crime levels in York have reduced for the third successive year.*

*Council welcomes the appointment of CS Ian Spittal as the new Chair of the Safer York Partnership, notes that SYP had a budget surplus of over £50,000 in the last financial year, recognises the substantial contribution already made by the new police liaison officer*

*post which was established in the Council over a year ago (not least in moving the Liberal Democrats Alleygating policy forward) and reminds members that provision has been made for the extension of CCTV coverage in this years budget together with the continuation of the target hardening fund, which was an innovation - coupled with 24 hour CCTV monitoring - introduced by the Council during the course of the present administration.*

*Council puts on record its appreciation of the work of members, officers and partner organisations in making York a safer City and asks".*

*To replace "are" before "focused" with "continue to remain"."*

On being put to the vote, the amendment was declared CARRIED.

The motion, as amended, now read as follows:

"This Council notes that February 2007 had the lowest ever recorded level of crime and welcomes the news that crime levels in York have reduced for the third successive year.

Council welcomes the appointment of CS Ian Spittal as the new Chair of the Safer York Partnership, notes that SYP had a budget surplus of over £50,000 in the last financial year, recognises the substantial contribution already made by the new police liaison officer post which was established in the Council over a year ago (not least in moving the Liberal Democrats Alleygating policy forward) and reminds members that provision has been made for the extension of CCTV coverage in this years budget together with the continuation of the target hardening fund, which was an innovation - coupled with 24 hour CCTV monitoring - introduced by the Council during the course of the present administration.

Council puts on record its appreciation of the work of members, officers and partner organisations in making York a safer City and asks that all departments of the Council continue to remain focused on their contribution to increasing community safety and reducing the fear of crime."

The amended motion was put to the vote and declared CARRIED and it was

RESOLVED: That the above notice of motion, as amended, be approved.

(iv) **Landfill Tax**

It was moved by Cllr Waller and seconded by Cllr Steve Galloway that:

"Council notes;

1.the substantial sums in Landfill Tax that have been avoided due to



- the dramatic increase in recycling rates in the last four years, and successful waste minimisation campaigns run by City of York Council.
- 2.the £8 per tonne annual increments in Landfill Tax that will start from 1<sup>st</sup> April 2008
  - 3.the establishment of the Landfill Tax was not intended to be a net revenue raiser for HM Treasury but York Council Tax payers have paid considerably more in Landfill Tax than has been received back in assistance for recycling services.

Council supports;

- 1.the Local Government Association policy to have Landfill Tax rises returned to local government in full.
- 2.the Retail Packaging Bill before Parliament as presented on 6<sup>th</sup> March 2007.”

Cllr Potter then moved, and Cllr Smallwood seconded, an amendment to the above motion, as follows:

*“Insert a new point 1 after “Council notes” to read:*

- 1. the success of the Government’s landfill tax in incentivising action across the country to reduce waste, increase recycling, and reduce the previously growing amount of rubbish going to landfill.*
- Renumber existing points 1 & 2 as points 2 & 3 and delete existing point 3.”*

On being put to the vote, the amendment was declared LOST.

The original motion was put to the vote and declared CARRIED and it was

RESOLVED: That the above notice of motion be approved.

#### **(v) Incineration of Municipal Waste**

It was moved by Cllr D’Agorne and seconded by Cllr Hill that:

“This Council confirms its opposition to any form of incineration of York’s municipal waste. Key concerns include:

1. the effect of emissions on human health and the environment;
2. the fact that incineration contracts with private companies create a demand for waste

This detracts from the objective to reduce the amount of waste that is produced, and the secondary objective to recycle as large a proportion of the remainder as is possible and efficient in terms of environmental impact.

The Council also opposes any other form of treatment involving burning (such as forms of Mechanical Biological Treatment that produce Refuse Derived Fuel for burning), as the concerns expressed above apply in each case.

This Council notes the significant achievements of the city in increasing recycling, through the work of the Council and community groups such as the Friends of St. Nicholas Fields and the York

Recycling Network. The Council will support the work of such groups wherever possible.

The Council notes that measures on waste reduction are almost always more financially efficient than the construction of large treatment facilities, and that recycling creates more jobs than incineration.

The Council further notes that as recycling rates increase around the country, incineration is falling further out of favour. Norwich City Council has recently confirmed its opposition to incineration, joining the councils of Essex, Lancashire, Bath and Milton Keynes, among others.

Furthermore, this Council calls upon the Government to introduce legislation to reduce waste at source by strict regulation and taxes on packaging."

Cllr Waller then moved, and Cllr Steve Galloway seconded, an amendment to the above motion, as follows:

*"Delete "This" at the start*

*Amend "confirms" to "re-confirms that"*

*Delete "opposition to any form of incineration of York's municipal waste" and add "preferred technology solution for residual waste treatment is Mechanical Biological Treatment (MBT), and welcomes recent changes in DEFRA policy on licensing the use of MBT output for non-fuel options, particularly noting the MBT operation in Newcastle-upon-Tyne." Add "Council also notes" before "key concerns"*

*After "key concerns" add "for future contracts"*

*Add "and" at the end of point 1*

*In point 2, after "the" add "need to ensure that there continues to be an incentive for waste minimisation" and delete from "fact" to "each case"*

*Delete "This" before "Council notes"*

*Add "from a rate of 12% in 2003 to over three times that rate now" after "increasing recycling"*

*Add "continue to" after "the Council will"*

On being put to the vote, the amendment was declared CARRIED.

The motion, as amended, now read as follows:

"Council re-confirms that its preferred technology solution for residual waste treatment is Mechanical Biological Treatment (MBT), and welcomes recent changes in DEFRA policy on licensing the use of MBT output for non-fuel options, particularly noting the MBT operation in Newcastle-upon-Tyne.

Council also notes its key concerns for future contracts include:

1. the effect of emissions on human health and the environment, and
2. the need to ensure that there continues to be an incentive for waste minimisation

Council notes the significant achievements of the city in increasing recycling from a rate of 12% in 2003 to over three times that rate now, through the work of the Council, and community groups such as the Friends of St. Nicholas' Fields, and the York Recycling Network. The Council will continue to support the work of such groups wherever possible.

Council notes that waste minimisation is the most cost effective means of controlling waste costs. Council further notes that as recycling rates increase around the country, incineration is falling further out of favour.

Council calls upon the Government to introduce legislation to reduce waste at source by strict regulation and taxes on packaging and to support the Retail Packaging Bill."

The amended motion was put to the vote and declared CARRIED and it was

RESOLVED: That the above notice of motion, as amended, be approved.

## **REPORT OF EXECUTIVE LEADER AND EXECUTIVE RECOMMENDATIONS**

71. A written report was received from the Leader, Cllr Steve Galloway, on the work of the Executive. He then moved, and Cllr Waller seconded, the minute requiring confirmation from the Executive meeting on 27 February 2007, namely:

- minute 174 – Children and Young People's Plan.

Cllr Steve Galloway, Cllr Merrett and Cllr D'Agorne paid tribute to Members of their Groups who were standing down at the forthcoming elections.

RESOLVED: That the above minute and the recommendations of the Executive be approved.

**The guillotine fell at this point in the meeting and the remaining items of business requiring a decision were proposed and seconded and voted on without debate.**

## **REPORT OF EXECUTIVE MEMBER**

72. A written report was received from Cllr Jamieson-Ball, the Executive Member for Youth and Social Inclusion.

Notice had been received of one question put by a Member in accordance with Standing Orders, as follows and as set out on the

list circulated around the Council Chamber:

- (i) **From Cllr Scott:**  
“Can the Executive Member explain to Council what he is doing for the young people of Haxby and Strensall?”

As the guillotine had fallen, this question was deferred to the next meeting of Council.

### **EXECUTIVE KEY DECISIONS TAKEN UNDER FORMAL URGENCY PROCEDURES**

73. In accordance with Section 5 of the Council’s Access to Information Protocol, the Leader, Cllr Steve Galloway, moved, and Cllr Waller seconded, receipt of a report detailing the key decisions which had been taken by the Executive and Executive Members between 1 March 2006 and 1 March 2007 under formal urgency procedures.

RESOLVED: That the report be received.

### **QUESTIONS TO THE EXECUTIVE LEADER AND EXECUTIVE MEMBERS RECEIVED UNDER STANDING ORDER 10(C)**

74. In accordance with Standing Order 10(c)(i), the following questions had been put:

- (i) **To the Executive Member for City Strategy, from Cllr Vassie:**  
“Can the Executive Member report on the success of the relaunched Yozone card?”
- (ii) **To the Executive Member for Adult Social Services, from Cllr Fraser:**  
“In the light of continuing failures to maintain services to customers reliant on Home Care, and the recent decision to re-tender part of the contract in the West locality, will the Executive Member for Adult Social Services take responsibility for the inadequate implementation of her decision to reorganise the service?”

As the guillotine had fallen, these questions were deferred to the next meeting of Council.

### **STANDARDS COMMITTEE - ANNUAL REPORT**

75. The Vice-Chair of the Standards Committee, Cllr Irene Waudby moved, and Cllr Livesley seconded, the Committee’s Annual Report.

RESOLVED: That the report be received.

## SCRUTINY - REPORT OF THE CHAIR OF SMC

76. A written report was received from Cllr Kirk, the Chair of the Scrutiny Management Committee (SMC) on the work of the SMC since the last report to Council on 25 January 2007.

## ACTIVITIES OF OUTSIDE BODIES

77. Minutes of the following meetings of Outside Bodies had been made available for Members to view on the Council's website:
- *Yorkshire and Humber Assembly (minutes of meeting on 19 October 2006)*
  - *Pension Fund Committee (minutes of meeting on 23 November 2006)*
  - *North Yorkshire Fire and Rescue Authority (minutes of meeting on 18 December 2006)*
  - *North Yorkshire Police Authority (minutes of meeting on 5 February 2007)*
  - *Safer York Partnership (minutes of meeting on 7 March 2007)*

## APPOINTMENTS AND CHANGES TO MEMBERSHIP

78. RESOLVED: That the appointments to Committees, Outside Bodies and Working Groups set out in the list at page 75 of the Council papers (and attached as Annex 1 to these minutes) be approved.

## LORD MAYOR'S COMMENTS

79. The Lord Mayor thanked all retiring Members for their service to the Council and the residents they represented.

Councillor Janet Hopton  
LORD MAYOR OF YORK  
*[The meeting started at 6.30 pm and concluded at 10.10 pm]*

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**Membership of Committees, Working Groups and Outside Bodies****SCHOOL ADMISSION APPEALS PANELLISTS**

Christine Burt  
Jenny Caldwell  
Joyce Clarke  
A R Cook  
Michael Daly  
Ian Dolben  
Pauline Ensor  
Valerie Foote  
Colette Haynes  
Jill Hetheron  
R A Hewitt  
Ron Humphrys  
Malcolm Hutton  
Keith Jacklin  
Alison Jewitt  
Philip Johnston  
Trevor Langton  
Olwen Petrie  
Roger Shenton  
Jill Thompson  
Joan Visick  
Alison Yarrow

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